IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTER PATENT APPEAL NO.35 OF 2006
IN
WRIT PETITION NO.4426 OF 2005

Ekta Co-operative Housing Society Ltd. ..Appellant
(Orig.Respdt.No.4)
Vs.
Shrikumar Co-op. Hsg.Society Ltd.& Ors. ...Respondents

Mr.A.S.Desai for Appellant
Ms. Angeline Rodrigues i/b.Mr.Mohan Pungata for Respondent No.1.

CORAM: R.M.S. KHANDEPARKAR &
SMT. ROSHAN DALVI, JJ.
DATED: 14TH MARCH, 2006

P.C.

1. Heard.

2. By the impugned order, the lower court directed the maintenance of status-quo and has not decided any of the rights of the parties. Being so, the impugned order cannot be said to be a judgment within the meaning of clause 15 of the Civil Procedure Code regarding the Letters Patent Appeal. On that count itself, the appeal is liable to be dismissed. Even otherwise in the facts and circumstances mentioned, mere passing of the order, the effect of which is to direct maintenance of status-quo, cannot be a case for interference in Letter Patent Appeal. Being so, the appeal is rejected.

(Smt.Roshan Dalvi, J.) (R.M.S.KHANDEPARKAR, J.)